



ZIONSVILLE

FOR ALL THE RIGHT REASONS

Mayor

317.873.5410

fax 873.8021

Town Council

317.873.5130

fax 873.8021

Deputy Mayor

317.873.1589

fax 873.8021

Finance & Records

317.873.5410

fax 873.8021

Police

317.873.5967

fax 873.8026

Fire

317.873.5358

fax 733.3022

Parks & Recreation

317.733.2273

fax 733.2275

**Planning & Economic
Development**

317.873.8247

fax 873.8021

Town Court

317.873.8240

fax 873.8021

Streets/**Stormwater**

317.873.4544

fax 733.2275

Waste Water

317.873.2332

fax 873.8428

billing only

317.873.2469

ZIONSVILLE SAFETY BOARD MEETING AGENDA

Monday, May 20th, 2019

8:00 a.m.

Zionsville Town Hall

1100 West Oak St

Meeting Room 105

1. Call to Order
2. Approval of April 15, 2019 Memoranda Minutes
3. Reports
 - A. Police Department
 - B. Fire Department
4. Old Business:
 - A. Willow Ridge Gating Proposal
5. New Business: None
6. Adjournment (Next Meeting Monday, June 17, 2019)



Staff Comments

05/13/2019

Petitioner: Willow Ridge Subdivision

Representative: Elizabeth Shively

Request: The Willow Ridge Subdivision is seeking permission to privatize the streets, and to gate the front and back entrances to their neighborhood.

Town Legal

Per your request, you asked me to review the Willow Ridge Gating Proposal that was submitted and discussed at the April 15, 2019 Zionsville Safety Board meeting.

As presented by the Willow Ridge Neighborhood Association, the Association is seeking approval from the Safety Board (and ultimately the Town) to privatize the streets and to gate the front and back entrances in the Willow Ridge neighborhood. The Association represents that the cost of the gates and street maintenance will be paid solely at the Willow Ridge HOA's cost.

You requested my opinion as to whether or not the Town could (or should) consider approving this proposal. While there is nothing statutorily that prohibits the Town from considering such a proposal, there is also nothing that requires the Town to consider or approve such a request. That said, I believe the current request is beyond of the scope of the Safety Board and could not be approved at that level (although a recommendation could be made by the Board – but final action could not be taken). While there are no legal prohibitions for the Town to approve this proposal, it is my strong recommendation to deny the proposal based on the following:

- The proposal will have a significant short-term and long-term financial cost to the Town (both in financial and human resources).

Petition to Vacate:

- The proposal is seeking to privatize the town-owned street system. This proposal would need to be reviewed and approved by the Town Council (and is beyond the authority of the Safety Board to approve). The approval of a Vacation Petition would need to be reviewed/approved by the Town Council (see, Ind. Code §36-7-3-12 and Section 193.091, SCO).

- Additionally, the Town's Plan Commission would need to review and approve the Vacation of the public ways within Willow Ridge and all publicly dedicated easements. (see, Ind. Code 36-7-3-16a, Section 193.091, SCO).
- To consider a Vacation of a public road requires a petitioner to file a Vacation Petition, and associated supporting documents, with both the Town Council and then the Plan Commission. A public hearing on the Petition is required at both bodies. Additionally, favorable consideration of the Petition must be provided by the Town Council before the Plan Commission may consider a request to vacate either the public ways or easements. (see, Section 193.091, SCO).
- As part of the Vacation process (as facilitated by the Plan Commission), Notice will be required to be provided to all entities having rights or interests to the easements, as well as the original party (or entity) which granted the easements. Notice must be distributed by the applicant/petitioner seeking the Vacation.
- The action of vacating of right of way results in the adjoining land owners obtaining ownership of the vacated right of way. If the Vacation petition were to be approved, then the Association would have to take the necessary steps to acquire the right of way from the private owners (subsequent to the recordation of the petition to Vacate).
- The Town would have significant legal expenses and administrative time in achieving the steps noted above.

Ongoing Easement and Maintenance for Town-Owned Assets:

- The proposal does not consider the ongoing additional financial and administrative expenses to the Town for other Town-Owned Assets (like sewer infrastructure, road signage, etc.). If the Petition to Vacate were approved, then the Town would have to secure proper easements to maintain sewer infrastructure and other utility infrastructure under the roads. Additionally, the Town would have to renegotiate any existing agreements between the Town and private utility providers for private utility infrastructure under the road ways.
- The Town would be burdened with additional time and expense to gain access to the other Town-owned infrastructure – including now having to contact each owner with an easement anytime work is to be performed.
- Additionally, the Town will be limited in assuring that our below-ground assets are maintained and not negatively impacted by future building or improvements in the neighborhood.

Previous Plan Commission Approvals:

- It is my understanding that the Willow Ridge Developer did not originally request a gated community when appearing before the Plan Commission and Town Council for planning approval. Had this been done, the Town would not have expended tax payer dollars to invest in the road infrastructure. The Town has had considerable expense including engineering, design, drainage mitigation, street signs, ADA compliance, etc.
- The road was built as a connector to and from other Town roads. Therefore, allowing the proposal to move forward will significantly impact other Town residents who may have made decisions to locate based on the availability of this connector roadway. The proposal fails to consider the impact on these

other Town residents whose tax dollars were used to be build/maintain the roadway and corresponding infrastructure.

Police and Fire:

- While the proposal contemplates access for police and fire to residents of Willow Ridge, it fails to take into account how privatizing the connector roadway may impact other Zionsville residents in an emergency event. Without the connector roadway, emergency response may be slowed to neighboring communities.

Other considerations:

- The proposal does not contemplate how the road way will be insured.
- The proposal does not contemplate other (less intrusive) ways to mitigate the speed and flow of traffic using the roadway.
- The proposal does not spell out how the HOA will fund the maintenance and repair of the roadway in the short-term and long-term. It would be very costly for the Town to divest this asset and then later be asked to take a roadway back into our public system if it could not be properly maintained by the HOA.

Additionally, I am very concerned about the snowball effect of such a proposal. If such approval is granted for Willow Ridge then it will be difficult for the Town to not consider similar proposals from other subdivisions located within Zionsville. The Town would be put at a significant disadvantage if we had multiple subdivisions with connector roadways approved as gated communities.

It is for all of these reasons and more, that I would urge the Safety Board and the Town to reject this proposal.

Please let me know if you have questions or need additional information.

Thank you,

Heather Willey | Partner
Barnes & Thornburg LLP

Planning & Economic Development

Our Department has conducted a review of the Willow Ridge proposal and offers the following comments:

- The Petition requests the “privatization” (page 10 of the proposal) of the internal street system. This action will require the Town Council’s approval in the form of a Vacation Petition. (Section 193.091, SCO; I.C. 36-7-3-12)
- As well, the Vacation of the public ways within Willow Ridge and, in addition, the publically dedicated easements, will require the approval of the Town’s Plan Commission (in addition to any action taken by the Town Council). (Section 193.091, SCO; I.C.36-7-3-16.a)
- Facilitating the Vacation process will require the filing of a Vacation Petition, and associated supporting documents (to be discussed at a public hearing). Favorable consideration by the Town Council is required to have occurred prior to the Plan Commission considering a request to vacate either the public ways or easements. (Section 193.091)
- As a part of that Vacation process as facilitated by the Plan Commission, Notice would be required to be provided to all entities having rights or interests to the easements, as

well as the original party (or entity) which granted the easements. Notice is distributed by the Applicant seeking the Vacation.

- The action of vacating of right of way results in the adjoining land owners obtaining ownership of the vacated right of way. The Home Owner's Association will then need to take steps to acquire the right of way from the private owners (in tandem or subsequent to the recordation of the petition to Vacate).
- The proposal appears absent of any information on management of drainage infrastructure, management of any contemplated street trees (size, spacing, and species) and street lights. Further, Americans with Disabilities Act (ADA) compliance associated with curb ramps (as many if not all were constructed by the developer prior to adoption of current standards by the State of Indiana) is not addressed. These and additional items would be discussed by the Plan Commission during the consideration process associated with a Vacation Petition.
- Our Department has not identified a community wide public benefit associated with the current proposal. Further, the proposal lacks a detailed analysis of alternative solutions, such as the implementation of traffic calming measures, which could serve to reduce or eliminate the concerns identified in the proposal. Absent this information, our Department is not in a position to support the request as currently proposed.

Streets and Stormwater

Upon review of the proposal submitted by the Willow Ridge Homeowners Association requesting the privatization of certain streets to allow for the installation of access gates I offer the following comments:

1. The distance of the southern gate from Willow Road should be reviewed by an engineering firm for adequate storage based on anticipated peak hour traffic volumes, particularly in the PM when residents typically return from work.
2. It should be clarified that the gates are intended to control vehicular access only, and that pedestrians, resident or other, will have access to sidewalks. The gates will also limit recreational cycling opportunities unless cyclists wish to walk their bikes on the sidewalks around the gates.
3. The northern gate is labelled "Resident Only". It should be clarified if this access is also available to service providers, deliveries and school busses.
4. While the gating will reduce the amount of traffic, studies have shown repeatedly that they do not control the speed of residents once through the gate. Alternate traffic control measures are permitted upon public streets and have been implemented in other areas.
6. A few justifications were offered by the HOA beyond just the desire to restrict access to community, two of them being cost savings to the town by eliminating the need for public funds and resources to repave/repair streets as well as winter snow removal. There is nothing prohibiting a private entity such as an HOA from funding repairs or resurfacing of public streets. An HOA may also contract for private snow removal; this is in fact quite common in rural county subdivisions and larger municipalities.
7. The storm sewer system, exclusive of the detention pond facilities, are maintained by the Boone County Surveyor. This office should be made aware of privatization initiatives in order to coordinate activities, including any emergency response needed for flooded conditions.

8. If privatized, and if the HOA desires to continue receiving seasonal services such as leaf collection and brush/limb collection, the Street and Stormwater Department will need access codes. Otherwise, these services will be suspended.
9. The privatization of the requested streets will likely have no impact to this department's operations; less revenue will be received from the state distribution of the gas tax and other sundry state revenues. However, this proposal is not supported given the loss of access and routes to area residents.

Additional comments may result upon receipt of further information or discussion.

Police

I am deeply concerned about the proposal to gate the area of Willow Ridge.

Most of my concern is the delay in responding police units in the case of when an emergency response is required and enforcement of traffic laws.

The delay caused by having to access a Knox Box could potentially be life threatening.

The activation of a siren is not a good option as it could possibly alert a suspect of police response. Even if a key pad was accessible, this could possibly cause a delay in response time.

If this project is to be approved a key pad is an absolute must for responding police units. The access numbers to the key pad will have to be provided to all of the Zionsville Police Officers, Boone County Sheriff's Officers, Indiana State Police Officers and the Indiana Conservation Officers working Boone County.

The privatization of the streets within the proposed area will not be covered under the traffic control ordinances of the Town of Zionsville or Indiana State Statutes that are infractions in regards to enforcing traffic laws. e.g. speed limit, stop signs etc.

Robert Knox

Chief of Police

Zionsville Police Department

Administration

Town Administration firmly supports its staff in the many concerns raised relative to this proposal. There are many "unintended consequences" in moving forward with this action – all well-outlined by our staff. Perhaps the most important and concerning item to note is the precedent that such an action will take for other similar neighborhoods that would desire to follow the same course by gating off public streets within their subdivision.

As a Willow Road resident, we too enjoy that sidewalk and have used it to bike/take the stroller on from Willow Road, across 421. I would assume other bikers and walkers around that (heavily) residential area enjoy the path too. It's a pleasant, well maintained part of the Zionsville pathway system, and offers a link to two different areas that you could otherwise probably only get to by car. – Amanda Dorman Vela

One more point. From a PR angle, our paths and trails are a "bragging right" in Zionsville, a reason we are consistently ranked the best place to live in the state, best place to raise a family, a "Bike Friendly Community," etc. The more we can keep, maintain, and add, the more attractive Zionsville stays to residents and visitors, and becomes to potential residents and visitors. - Amanda Dorman Vela

Parks Department

I will check with the Park Board President to see if he wishes to place this on the March agenda for Board level discussion and/or position on this matter. In terms of complete

disclosure, there have been occasional comments from a few citizens about having a park in this area, but that has yet to gain much momentum and it may well be that this gating proposal would have no bearing on that separate matter in any case.

Also, it may also be the case that the Town Council's Pathway Committee may have some thoughts on the proposal, but that is broader question than just the park side so I'll leave that to others to explore.

Regarding allowing the gating Willow Ridge neighborhood off, I am sure others are looking strongly at the public safety side, how the issue may or may not impact street matters, stormwater matters, potential sanitary sewer issues, etc. But since you asked for pros and cons, I can think of one potential con and unintended consequence if this were implemented. And understand when this is mentioned, it is with an understanding some may view it as a minor issue. But it *will* be a negative impact.

But given that Zionsville has just recently been awarded the Bronze designation for being a Bicycle Friendly Community (for the second consecutive cycle), it should at least be mentioned that implementation of this proposal to privatize these streets and the proposed gating would remove a low- vehicular-volume bicycling route from the small inventory of such available routes. And it does so in an area where there are not a lot of alternative linkages running the same general direction.

Between the length that would be privatized and the "dead end" in the still public streets to the north of what they term their north gate, a ~2-mile, north-south bicycling link would be lost. Or at the very best case scenario, have its usage restricted to only the residents doing the gating. And it does so in an area where there aren't a lot of other nearby options (really only one,, and that is less desirable for many riders). I was first introduced to this route when Zionsville High School Principal, Tim East, led he and I along these quiet, winding public streets. Mr. East related that he likes this route because of the low volume of cars and the fact it has some interesting rolling topography to the streets (at least rolling from a bicyclist's perspective). He has also mentioned that while he typically isn't riding it as a group, but he has seen a few other bicyclists using this link as well. I also have also occasionally observed other riders on the other times I have bicycled this route.

The value of this route is that there aren't a lot of north-south linkages on the east side of 421, especially that connect to signalized crossings of 421. And it could certainly be argued that *no* other N-S route in this area has as quiet of a 2 mile length. The nearest alternative bicycling routing that would provide a similar connection between 146th street and Willow Road would be the work-around by going further eastward into Hamilton County and using Little Eagle Creek Ave/West road before heading back west to Zionsville on Willow R or 146th St (depending on direction of travel). While this is only between ¾ to 1 mile longer, the Little Eagle Creek Ave route does take the bicyclist on a much busier vehicular route. And the Eagle Creek Ave work-around route has a much narrower ~9-foot travel lane. This makes this longer, more heavily-driven, alternative routing fully 25% (3-feet) narrower than winding, quiet ~12-foot travel lane (road-half) that residents are looking to close off.

And given that the Town Council level has blessed their Pathways Committee submission of a "Walk-Friendly" designation as well, it should be further mentioned that the implementation of this privatization/gating proposal, would also do the same for removing a 2-mile pedestrian link/route/opportunity as well by taking public sidewalks out of play. And while I haven't walked or bicycled through there with a specific eye towards pedestrians, in that case there appears to be *NO* similar alternative walking linkage along Little Eagle Creek Ave (as there are *no* sidewalks there).

5/10/19 Update Note: As alluded to above, this matter was indeed brought before the Zionsville Board of Parks and Recreation. That presentation included the same material summarized immediately above along with maps and other pages from the actual submitted proposal by those who requested the gating. When specifically asked if they felt they could or should take a stance, the Park Board declined to make a motion/vote on the matter. While not one of the entire board disputed any of the material presented by the Superintendent (such as the text above), and while no board member made any comment supporting gating, they seemed to feel that since this issue was outside of the purview of parks and our linear park (i.e. Big-4 Rail Trail), and that the question was more properly one for the Town Planning, Public Safety, Town Administration, and the like. Be that as it may, the Superintendent still stands by his statements above concerning *bicycle* routing impacts of the gating proposal. He notes other Town Staff suggest the paragraph above his signature block regarding *walking* impacts would not materialize.

Matt Dickey

Superintendent of Parks & Recreation

Town of Zionsville

Finance & Records

From a Department of Finance and Record standpoint, to Amanda's point, our paths and trails are part of the reason visitors, new residents and businesses are attracted to Zionsville. This in turn affects the financial health of the Town.

Amy Lacy, Director

Department of Finance and Records

Fire Department

A review of the submitted gating plan has been completed regarding relevant life safety criteria. The following items have been noted as concerns. The Zionsville Fire Department staff position is to recommend Denial of the request as it slows public safety response. There are some potential issues that require consideration if the request should be approved. They are:

1. There needs to be an approved maintenance plan that at a minimum includes: fire hydrant flow testing and maintenance, storm water drain maintenance, curb underdrain maintenance, snow and leaf removal, drive surface maintenance, concrete and curb maintenance, etc.
2. The configuration of the proposed gates does not offer a turnaround for a vehicle that mistakenly enters the approach. It would require them to back a distance, potentially into traffic.
3. We would request receipts of certified letters sent to every property owner affected by this proposal which would clearly explain that emergency services will be delayed to their property due to the installation of gates.
4. Selecting destinations that would be a "typical" facility search for mapping outside of the immediate entrances directs travelers to routes not through Willow Ridge. (See exhibits attached)
5. Please be advised that over the air transmissions from the Boone County Dispatch Center are not secure transmissions. (reference "How will emergency responders be affected?" page 13)

Should you have any questions or concerns with these review comments, please do not hesitate to call.

Respectfully,
Joshua Frost,
Deputy Chief of Fire Prevention

May 8, 2019

Zionsville Fire Chief
James C. VanGorder
1100 W Oak Street
Zionsville, IN 46077

Zionsville Police Chief
Robert R. Knox
1075 Parkway Drive
Zionsville, IN 46077

Jason Plunkett
Zionsville Safety Board
1100 W Oak Street
Zionsville, IN 46077

Susana Suarez
Zionsville Safety Board
1100 W Oak Street
Zionsville, IN 46077

Bryan Traylor
Zionsville Safety Board
1100 W Oak Street
Zionsville, IN 46077

RE: Brittany Chase Response to the Willow Ridge Petitioners' Proposed Gating and Closure
of Willow Ridge Drive to Public Traffic

Please be advised that I write this letter as the president of the Brittany Chase Homeowners' Association ("Brittany Chase") which consists of 127 single family residences located at the northeast corner of Highway 421 and Willow Road in Zionsville.

On Friday, April 12, 2019, the Brittany Chase Board of Directors was informed for the first time that certain residents that live along Willow Ridge Drive (the "Petitioners") have organized an effort with the goal of privatizing their streets and closing an important public thoroughfare from 131st Street to the end of their subdivision where it enters the Willows subdivision. Please allow this letter to serve as an opposition to the proposed gating and public road closure with an emphasis on our concerns about the resulting safety and transportation problems. Brittany Chase's concerns are more fully articulated below.

We understand that the basis for the proposal to privatize and close a portion of Willow Ridge Drive comes from miscellaneous anecdotal observations from a few residents that indicate that Willow Ridge Drive is somehow used as a "drag strip," that there is illegal passing occurring, and that kids play close to the road. The Brittany Chase Board is not in a position to directly comment on the veracity of these observations.¹ However, as more fully explained below, public safety and transportation decisions should not be made on the basis of anecdotal observations, especially when a public road was carefully planned in the first place. Simply put, Zionsville governance is better than to make such public safety and transportation decisions in the manner asserted by the Petitioners.

¹ Brittany Chase residents who frequently travel Willow Ridge Drive have not witnessed the type of conduct identified by the Petitioners.

At the outset, we note that, according to Captain Musgrave of the Zionsville Police Department on April 17, 2019, there has not been a single ticket issued, no traffic violations, and no accidents reported at the Willow Ridge area since January 2018.² We understand that the Zionsville Police Department does not keep these type of records further back than that. Consequently, there could even be a longer period for no violations.

Willow Ridge is a neighborhood with wide streets and beautiful large homes set on large lots with long flat driveways that are set far back from the roadway. The lot size and driveway sizes are larger than most neighborhoods in Indiana. The houses are set back as much, if not further, than the Meridian St. mansions in the northern Indianapolis Meridian-Kessler area, where a narrow four-lane road exists with a 45 mph speed limit. When the 41 Willow Ridge residents purchased their homes along Willow Ridge Drive., they knew and had notice that Willow Ridge Road was going to be used as a thoroughfare to connect Willow Road to County Road 300 South a/k/a 146th St., where Union Elementary School is located.³ Neighborhoods such as Austin Oaks and Brittany Chase were already planned and already existed.

The 41 residences along Willow Ridge are proposing an unreasonable (or at the very least premature) action to close off the Willow Ridge Drive thoroughfare without having considered any impacts of the proposed action on their surrounding neighborhoods, which include 267 homes in Austin Oaks, 271 homes in the Willows neighborhoods, 127 homes in Brittany Chase, 63 homes in Hidden Pines (with many more to come), and homes in Brookhaven, Fieldstone, Willow Glen and the future traffic we will see from Holliday Farms.

To demonstrate the inadequacy of Petitioners' proposal, one need look no further than the actions that were taken in conjunction with the proposed Holliday Farms development. In that case, the developer engaged Brittany Chase and other nearby subdivisions early in the process; conducted a traffic study to assess impacts on surrounding neighborhoods, the traffic light at Highway 421 and Willow road; and considered neighborhood safety concerns and impacts. Moreover, based upon all of the information solicited and obtained, the Developer revised the traffic flow and development plans for the proposed neighborhood. Simply put, the Developer of Holliday Farms took public safety and impacts seriously. He did it the right way.

By contrast, Petitioners did none of that here. Petitioners did not reach out to Brittany Chase or engage its Board of Directors in any dialogue to obtain input prior to submitting Petitioners' proposal. Instead, Brittany Chase only found out about the Petitioners' proposed plans through other means. That is very disturbing. Second, to our knowledge, Petitioners did not even bother to conduct a traffic study to ascertain the true impacts to safety and transportation issues for the over 1,200 homes that will be affected. To the contrary, Petitioners merely trotted out some anecdotal observations as the only support for their position. This is far cry from constituting any responsible proposal.

² Conversation between Captain Musgrave and Andy Tisch on April 17, 2019.

³ There is no data to suggest that Austin Oaks or Brittany Chase residents will travel to Hamilton County and utilize West Street to zigzag North to 146th St. if Willow Ridge Drive is closed. That is not rational.

The fact of the matter is that, assuming the Petitioners' assertions are close to being accurate about the speed and volume of traffic they observe on Willow Ridge Drive, the road's closure will undoubtedly increase the traffic (and associated dangers) along Highway 421, especially at its intersection with Willow Road. Highway 421 is a two-lane high speed road that already sees frequent backups during peak periods. That is not anecdotal evidence. That is what the recent Holliday Farms' traffic study says. For example, every weekday morning, there is a large backup along Willow Road along the westward approach to Highway 421. Instead of waiting on the stoplight at Willow Road and 421, many cars already utilize Brittany Chase (via Brittany Drive) as a shortcut to get to Highway 421 instead of waiting on the stoplight. If the Petitioners' proposal is approved, this situation will indisputably become worse.

Notably, the Brittany Chase homes do not have the large acreage and long distance flat driveways that Willow Ridge has for the kids to play or wait for the school bus. Brittany Drive often has several cars parked along the road and has numerous families with small children in the neighborhood; many of whom board school buses at 7:30 a.m., a time when it is pitch dark for most of the year. As such, there will certainly be increased risks to the Brittany Chase residents resulting from the closure of Willow Ridge Drive. Simply put, increased traffic through the Brittany Chase neighborhood – especially cut-through traffic that was never envisioned – means increased public safety risks. Of course, the exact extent of the increased traffic and safety risks is statistically unknown at this time because, again, the Petitioners have refused to conduct any traffic study or even consider any input from Brittany Chase prior to submitting their proposal. One wonders if Petitioners are afraid of what the results of a competently conducted traffic study might reveal.

Since we have referenced the Holliday Farms traffic study, a brief discussion of it is warranted here, even though that study does not relate to the Petitioners' specific proposal. That being said, the Holliday Farms' traffic study does provide valuable information about the *existing and future state* of the Willow Road/Highway 421 intersection *even without Willow Ridge Drive being closed to public traffic*. The Holliday Farms' traffic study identifies an existing major, high-traffic volume problem on Highway 421 between Willow Road and 146th street. Again, this traffic study did not account for the additional transportation and safety stressors that will be caused by the closure of Willow Ridge Drive. For example, page 25 of the Holliday Farms' study provides an analysis of both the current existing traffic volumes and the projected 2027 traffic volume. These results have been pasted on the chart below, for your convenience:

The following table summarizes the level of service results at the study intersections. The *Synchro* (HCM 6th Edition) intersection reports illustrating the capacity analysis results are included in the **Appendix**.

TABLE 3 – LEVEL OF SERVICE SUMMARY: US 421 & WILLOW ROAD

APPROACH	AM PEAK				PM PEAK			
	Scenario				Scenario			
	1	2	3	4	1	2	3	4
Northbound Approach	B	C	B	C	C	E	C	F
Southbound Approach	B	D	C	E	B	F	C	F
Eastbound Approach	C	F	D	F	D	F	D	F
Westbound Approach	C	F	D	F	D	F	D	F
Intersection	C	D	C	E	C	F	C	F

DESCRIPTION OF SCENARIOS:

- SCENARIO 1: Existing Traffic Volumes with Existing Intersection Geometries and Conditions (Existing Signal Timings).
- SCENARIO 2: Sum of Existing Traffic Volumes and Generated Traffic Volumes from the Proposed Development with Existing Intersection Geometries and Conditions (Optimized Signal Timings).
- SCENARIO 3: Year 2027 Traffic Volumes with Existing Intersection Geometries and Conditions (Existing Signal Timings).
- SCENARIO 4: Sum of Year 2027 Traffic Volumes and Generated Traffic Volumes from Proposed Development with Existing Intersection Geometries and Conditions (Optimized Signal Timings).

The above letters pertain to a “level-of-service” with grading from A to F. The grading scale is summarized as follows: **A**: free flow; **B**: reasonably free flow, stopped delays are not bothersome **C**: Stable flow. Motorists will experience appreciable tension when driving, **D**: approaching unstable flow, small increases in volume produce substantial increases in delay and decreases in speed; **E**: unstable flow, significant intersection delays; **F**: forced or breakdown flow, extremely low speeds, high delay.⁴ As can be seen from this study, the flow patterns at Highway 421 & Willow Road are poor, and they will only become significantly worse – even without the closure of Willow Ridge Drive.

As a final point, to our knowledge there has not been any serious discussion about less restrictive alternatives to the Petitioners’ current road closure proposal. There are many speed management countermeasures that have shown to be effective.⁵ Brittany Chase asserts that some or all of the following actions should be considered by Zionsville before there is any serious consideration about closing Willow Ridge Drive:

- Installation of several stop signs along Willow Ridge Drive;
- Increased police patrols and traffic enforcement during peak traffic periods; and/or

⁴ http://ccag.ca.gov/wp-content/uploads/2014/07/cmp_2005_Appendix_B.pdf (see page B-8)

⁵ https://safety.fhwa.dot.gov/speedmgt/ref_mats/eng_count/2014/eng_ctm_spd_14.pdf

- Installation of traffic circles, similar to what have been installed along Willow Road through the Austin Oaks' subdivision.

All told, the Petitioners have not demonstrated sufficient rationale or a unanimous compelling need for the gating and closure of Willow Ridge Drive. There is no basis in fact to support the proposal. No credible data to support it. No supporting expert opinions. No determination of the proposal's effects on public safety and traffic impacts to surrounding neighborhoods, including Brittany Chase. And there has been no reasonable attempt to implement less restrictive alternatives to address the anecdotal concerns by the few Willow Ridge residents.

The original design of Willow Ridge Drive was *not* that it be a private drive. To the contrary, the road is used, as planned, to be an additional thoroughfare (other than Highway 421) to connect Willow Road with County Road 300 South. A school (here Union Elementary School) is a major factor in determining whether property owners can vacate and close a public right-of-way. Indiana law speaks directly on this issue and provides guidance in this local matter. Specifically, Indiana Code Title 36- Local Government § 36-7-3-13 states:

A remonstrance or objection permitted by section 12 of this chapter may be filed or raised by any person aggrieved by the proposed vacation, but only on one (1) or more of the following grounds:

- (1) The vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
- (2) The vacation would make access to the lands of the aggrieved person(s) by means of public way difficult or inconvenient.
- (3) The vacation would hinder the public's access to a church, school, or other public building or place.
- (4) The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

There is no question that hundreds of residents in the adjacent, surrounding neighborhoods will be aggrieved as listed in the subsections above should Willow Ridge Drive be closed off for the benefit of a mere 41 residents living along Willow Ridge Drive. Gating and closing public access to a thoroughfare like this (especially based upon only anecdotal information) will set a dangerous precedent to Zionsville governance. Simply put, we want Willow Ridge Drive to be safe. We also want Brittany Chase to be safe. However, making Willow Ridge safer at the expense of Brittany Chase and several other subdivisions has no rational basis, and we are confident that a court of competent jurisdiction would agree should that become necessary. Consequently, the Petitioners' request should be denied.

Thank you for considering the concerns of the Brittany Chase HOA regarding this matter.

Sincerely,



Scott R. Alexander, President, Brittany Chase HOA

Enclosures:

- 1) A&F Traffic Study, August 2017
- 2) Table B-5 CMP Level of Service Criteria and descriptions

24920171.7

Zionsville Fire Chief
Joshua Frost
1100 W Oak Street
Zionsville, IN 46077

Zionsville Police Chief
Robert R. Knox
1075 Parkway Drive
Zionsville, IN 46077

Jason Plunkett
Zionsville Safety Board
1100 W Oak Street
Zionsville, IN 46077

Susana Suarez
Zionsville Safety Board
1100 W Oak Street
Zionsville, IN 46077

Bryan Traylor
Zionsville Safety Board
1100 W Oak Street
Zionsville, IN 46077

RE: Response to Willow Ridge Gating Proposal

To Whom It May Concern:

On Monday, April 15, the Willow Ridge HOA presented to the Zionsville Safety Board a plan to gate and privatize the public roads within its subdivision. This plan directly puts the owners, residents and loved ones of adjoining subdivisions at a higher risk of harm so that Willow Ridge can create a gated, private community which was never planned for this region of Eastern Zionsville along the Hamilton County border. It also makes the residents of Eastern Zionsville dependent on a private HOA for their safety and security. (In essence, privatizing Willow Ridge Drive and establishing gates creates a toll-road, whereby Willow Ridge can charge or permit some neighborhoods the right to access the drive at the expense of others.)¹

To borrow Robert Putnam's phrase, "bowling alone" is not how strong communities are built. The Willows HOA firmly believes that The Town of Zionsville has one of the best police, fire and street departments in the Midwest, and that proactively working with those departments, we can find a community-based inter-neighborhood solution to address possible speed and safety issues that affect all of Eastern Zionsville. The Willows HOA strongly encourages the Zionsville Safety Board decline Willow Ridge's proposal for gated access, and to instead recommend to residents of the area to collaborate on alternative solutions to solve traffic and safety issues in this region of the Town.

¹ For instance, Willow Ridge could conceivably allow Austin Oaks the right to use Willow Ridge Drive if it agreed to pay part of the maintenance costs when the road is made private. It also would allow Willow Ridge to allow its friends from other subdivisions to use Willow Ridge Road at the expense of other neighbors. For these, reasons, it is more accurate to say that Willow Ridge is creating a toll-road in its backyard.

Background

Willow Ridge is one of four (4) interconnected subdivisions between Austin Oaks, The Willows and Brittany Chase in Eastern Zionsville. These subdivisions were all planned and approved with publicly dedicated drives that conveniently and safely permit residents of all subdivisions to avoid heavy semi-truck traffic on a state highway and to drive and walk to the other adjoining subdivisions and Union Elementary. Each resident of Willow Ridge purchased or constructed their home knowing the streets in their subdivision were public roads, which connect with the three-adjoining subdivisions, to provide the most convenient and safest access for these subdivisions to Union Elementary and between neighbors.

The Willow Ridge Gate Proposal Fails to Provide Sufficient Evidence to Support Its Claims

The Willow Ridge proposal is entirely based on anecdotal evidence from a few residents. It should be noted that Willow Ridge has presented absolutely no evidence to demonstrate that Willow Ridge has a disproportionately higher number of speed issues or other traffic violations than other subdivisions within the Town of Zionsville. So, without any independent evidence other than a few undated screen shots of mobile traffic maps and anecdotal accounts of several residents, Willow Ridge has now requested the Town allow it a gate/toll-road remedy with draconian effects on neighboring subdivisions who are forced to utilize roads outside the maintenance and care of the Town.²

What is equally concerning is Ms. Schively and the Willows Ridge HOA informed the Safety Board that they had been working on their plan for 14 months.³ It is telling that the committee was the “gating committee” and not a traffic and safety committee. Willow Ridge had already decided on its proposed solution. During this 14-month period, no traffic studies were performed and none of the adjoining subdivisions were consulted or notified. A joint task force of all the neighborhoods could have investigated a more targeted approach that does not endanger our residents. Adjoining subdivisions literally heard about this proposal one (1) business day before it was being presented to the Safety Board. The lack of transparency by Willow Ridge is not how good traffic policy is made.⁴

At its heart, Willow Ridge’s proposal does not purport to address the unintended consequences that a gate would create. Willow Ridge’s gate proposal would put our loved ones and children at risk by forcing non-Willow Ridge residents to use 300 South, Highway 421 and Willow Road instead of the planned direct routes interconnecting adjoining subdivisions and Union Elementary. Residents of Willow Ridge will force neighboring subdivisions to use more dangerous routes but

² In fact, there have been no tickets issued, traffic violations or accidents within Willow Ridge reported to the Zionsville Police Department since records were available to the ZPD in January 2018, and no evidence has been presented that there were any tickets issued, traffic violations or accidents in Willow Ridge prior to that date.

³ Willow Ridge’s proposal states that gates passed “with a 92% approval rating.” This statement may be seriously misleading. It passed with a 92% of votes sent by proxy (voted by the Board or otherwise) or in attendance at an annual meeting. So, most likely it does not have 92% actual approval from residents of Willow Ridge.

⁴ The Willow Ridge proposal also makes an unfounded claim about improving security within its community, but again has not provided any data that crime is significantly greater than other neighborhoods within the Town.

will be sheltered from using these more dangerous routes after they have gated their roads.⁵ Willow Ridge would have the special privilege of continuing to enjoy the benefit of connecting with neighbors in other subdivisions, but gate off others from enjoying the same privilege.

There is also the greater safety risk to all residents relating to a gate malfunction. First responder situations are situations where seconds count. Unfortunately, we live in a world where school lockdowns and other events occur. A malfunctioning gate could be the difference between life and death when critical seconds are wasted dealing with a gate or its malfunction. I shudder to think that we would be willing to gate off a neighborhood serving as a neighborhood artery from a school, putting our children at risk. Willow Ridge has provided no safety data on its proposed gates. It quotes a 99.9% operations safety rate without any evidence whatsoever other than that Willow Ridge “contacted” gating companies and other gated neighborhoods. This is not the basis of sound safety policy.

If the Willow Ridge proposal is accepted, the Town is placing the safety of residents on the actions of a private HOA. Willow Ridge’s proposal doesn’t even disclose maintenance contracts for its proposed gates and fails to address how it plans to insure its private road and gates. No budgets have been presented other than some quotes for resurfacing of the roads and the initial installation of the gates. No property management plan has been proposed. For instance, how would Willow Ridge respond to a wrongful death claim due to its gates or private roads. Such a claim could easily bankrupt a private HOA and put residents in danger.

There is Absolutely No Evidence that Willow Ridge Considered Alternative Measures

Willow Ridge has not provided any data on alternative safety measures that could effectively address traffic and safety issues. While not exhaustive, we felt it would be prudent to provide the Safety Board with data on alternatives that could be discussed as part of an overall regional traffic calming plan in Eastern Zionsville. These traffic calming measures are meant to lower vehicle speeds on neighborhood streets without restricting access.

For instance, a Federal Highway Administration study on speed reduction techniques measured several traffic calming techniques and their impact on speed. (See attached.) FHWA study found that the 85th percentile speed was reduced by an average of 18% with speed bumps, 19% with speed cushions and 18% with speed tables. This FHWA study includes a very good desktop reference of potential speed calming mechanism with data on their effectiveness. I am including a copy with this letter for the convenience of the Safety Board, the Fire, Police and Street Departments. Please note none of these solutions were explored by Willow Ridge.

A small amount of research also finds that children who live within a block of a speed hump have significantly lower odds of being struck by a vehicle. The same American Journal of Public Health study also found that there was a 53-60% reduction in the odds of injury or death for children with traffic calming in their neighborhoods. (See attached.) Instead of summarizing data, for your

⁵ For reference to the safety of US 421, The Willows HOA would recommend that the Safety Board consider the traffic study performed as part of the development of Holliday Farms along US 421. It demonstrates with evidence the traffic counts and issues facing 421 immediately North of Willow Road.

convenience the U.S. Department of Transportation's Traffic Calming ePrimer is easily obtainable on the internet, and provides voluminous information on less drastic means of achieving safety goals in subdivisions similar to those in Eastern Zionsville.

Gating Willow Ridge Would Vest Control from the Town and Make Its Maintenance of Infrastructure More Difficult

Willow Ridge is the only Town controlled artery available to local residents moving North/South in this vicinity of Eastern Zionsville. US 421 is governed by INDOT and the other North/South routes are controlled by Hamilton County. So, for instance, since Shelbourne Road in Hamilton County is now actually closed, if there were an accident at US 421 and 300 South, residents in the Willows would be practically prevented from traveling South. Vesting control of Willow Ridge Drive to a private HOA is not in the best interest of the Town and its ability to provide Town services. It is also my understanding that the Town has invested in infrastructure under Willow Ridge Drive, which only makes it more difficult to access if needed. Additionally, any gate malfunction would be a life/safety issue for the Town's provision of safety and emergency services to this area.

There Are Serious Legal Issues with Willow Ridge's Proposal

Willow Ridge has made this request of the Safety Board without filing a petition to vacate its right-of-way under Title 36. Title 36 specifies a formal procedure for this type of vacation of approximately 1.1 miles of public roadway. While the Safety Board can consider the issue of gates, no vacation of right-of-way can occur until a formal petition is filed and the process is completed. Willow Ridge's proposal is not ripe in any sense. Additionally, because Title 36 has a restriction on re-filing for a failed attempt to vacate a public right of way, by hearing this matter prematurely, Willow Ridge is effectively being given two bites at the apple for failing to file a valid petition.

If a vacation petition succeeded, there would be an additional issue. Indiana law provides that the adjoining property owners would own to the centerline in the road. (In this case, 1.1 miles of road.) Willow Ridge has provided no plan to show how the HOA would obtain an easement from these property owners, since any one of the property owners could refuse to grant the HOA such an easement.

Additionally, if Willow Ridge were to successfully petition the Town to vacate its right-of-way in Willow Ridge, what would happen to the sidewalks? Willow Ridge has informally stated they would keep sidewalk access to adjoining neighborhoods. However, this creates an issue. When Willow Ridge discovers it is liable for a sidewalk injury or accidental death due to a driver on its private streets, it can't but help to decide to close off such sidewalks to other neighborhoods as a preventative measure.

Willow Ridge's plan again does not map out the relevant issues to make a case that it is prepared to take over private maintenance of Willow Ridge Drive.

Conclusion

Willow Ridge residents have not demonstrated a compelling need or that the issues they face daily are any different than other subdivisions in Zionsville. There are residents in their own subdivision who do not support this effort. No data was presented, and only some cherry picked anecdotal "evidence" such as screen shots from mobile apps presented. This is not how good policy is made.

Good traffic policy is a collaborative effort. However, Willow Ridge decided 14 months ago not to collaborate with their neighbors to work on common problems with less drastic measures that could influence traffic in our communities. During those 14 months, no proposals were discussed with Zionsville Community Schools, the Zionsville Police Department, Zionsville Street Department or adjoining subdivisions. In fact, the committee was called the "gating committee" and not the traffic and safety committee. The answer is not to put other residents at risk or to wall off our subdivisions.

As I mentioned above, "bowling alone" is not how strong communities are built. We ask that you deny Willow Ridge's proposal.

Respectfully submitted,

A handwritten signature in blue ink, reading "Brian C. Fritts". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Brian C. Fritts, Esq.
Board Member On Behalf of the Willow HOA

May 17, 2019

Zionsville Safety Board
Zionsville Town Hall
1100 West Oak Street
Zionsville, IN 46077

Dear Board members Plunkett, Suarez and Taylor,

My name is Erica Bisch. I live in The Willows, which neighbors Willow Ridge. I am writing to oppose the Willow Ridge Gating Proposal.

I have lived in The Willows since 2013. My kids have grown in the Zionsville schools. My daughter now attends college at IU and my son attends Zionsville Community High School. Over time, I have observed the development of The Willows' 240+ lots into a vibrant neighborhood of families with children of all ages.

If there is only one thing you remember from my letter, it's this: The safety of families in all neighborhoods is important, not just those in one neighborhood.

The Willow Ridge Gating Proposal states that our neighborhood has access to other main thoroughfares that are not residential streets: "...Michigan Road, West Road, Shelborne Road and Pleasantview Road, with access to all of these North and South roads via 131st street or 146th street."¹ The proposal fails to state that:

- Shelborne Road, which is in Carmel not Zionsville, is closed at 146th street;
- The Willows' access to 131st street is necessarily through Willow Ridge and Austin Oaks;
- West Road, which is in Carmel not Zionsville, is populated with houses just like our neighborhoods are; and
- Pleasant View Road is not in the area; it is West of downtown Zionsville.

For The Willows, access points in the proposal require unprotected left turns onto busy thoroughfares, which exposes our families to greater risk of traffic crashes at higher speeds. Willow Ridge provides safer travel routes for families. For example, it provided a safer route for my daughter driving to the high school in the mornings.

The route choice for The Willows high schoolers is either to turn left out of The Willows onto County Road (CR) 300 during morning rush hour or drive through The Willows and Willow Ridge, turn right on Willow Road and cross Michigan at the traffic light. *Turning left onto CR 300 is risky.* When my daughter was driving to school, she chose the safer route, which was a right-hand turn onto Willow Road out of Willow Ridge. And I'm glad she did. She was rear-ended at the Willow Road-Michigan Road traffic light one day on the way to school. Because of the traffic light, however, it was at a low speed and she wasn't injured. I would rather she experience that than be involved in a crash on CR 300. Recently I was driving east on CR 300. I had to hit my brakes to avoid T-boning a car trying to turn left out of The Willows to beat Union Elementary drop-off traffic and get onto the high-traffic CR 300.

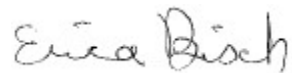
Between increasing commuter traffic, consistent parent drop-off traffic at Union Elementary and the many buses going to and from Union Elementary, the risk of crashes for The Willows families who would be forced by gates in Willow Ridge to make an unprotected left onto busy CR 300 gets escalated. Increased risk exposure is not only to The Willows families, but to Union Elementary students and commuters. Exhibits A and B give examples of traffic in this area on Tuesday morning, May 14, 2019. Although it is after the busiest drop-off time, the traffic is still significant.

Willow Ridge gates will give Willow Ridge residents all the safeguards while taking safeguards from families in The Willows.

Letters from Willow Ridge property owners state traffic volume and speeding is the issue in their neighborhood, yet their proposal provides no results of any third-party study of traffic activity in the area, no analysis of impact on affected neighborhoods, and no traffic calming plan that considers numerous other options. The U.S. Department of Transportation recommends all these steps if any change measures are to be considered.² Why are gates the solution instead of other traffic calming measures such as speed humps, speed cushions, chokers, and the myriad other options. Why not radar signs as have been deployed at Union Elementary?

The safety of families in all neighborhoods is important, not just those in one neighborhood. The Willow Ridge Gating proposal fails to take this concept into account. This is why I oppose The Willow Ridge Gating Proposal. Please do not allow the Willow Ridge Gating Proposal to advance. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Erica Bisch".

Erica Bisch

EXHIBITS



Exhibit A: The Willows west exit to County Road 300 the morning of May 14, 2019.

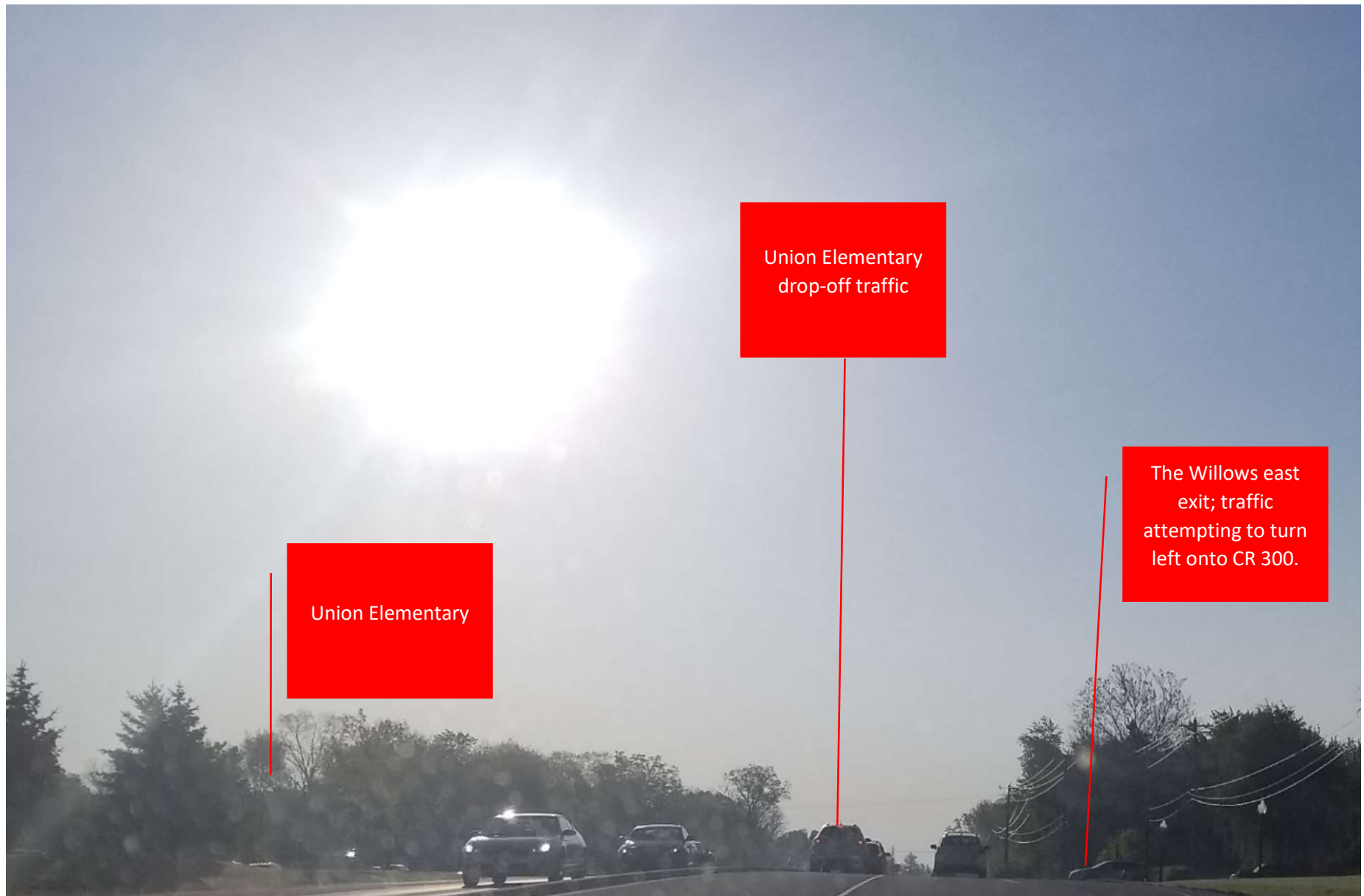


Exhibit B: County Road 300 heading east the morning of May 14, 2019

REFERENCES

¹ Willow Ridge Gating Proposal. Willow Ridge Homeowners Association. (Winter/Spring 2019). Retrieved May 17, 2019, from https://www.zionsville-in.gov/AgendaCenter/ViewFile/Agenda/_04152019-950

² Traffic Calming ePrimer – Safety. Federal Highway Administration. (n.d.). Retrieved May 17, 2019, from https://safety.fhwa.dot.gov/speedmgt/ePrimer_modules/module7.cfm#mod73

May 15, 2019

Zionsville Safety Board:

We are writing in response to the Willow Ridge Gating Proposal. Rather than refute many of the points made in their submission and the many letters you have received in support of this proposal, we would like to focus on the adverse impacts on the residents in The Willows – North Lake, South Lake, Westbury and The Reserve.

When this area was developed, the traffic pattern favored the main road through Willow Ridge to east Zionsville and south toward Indianapolis, and the north entrances to The Willows off of 300 South to Carmel and west Zionsville. There was nothing “exclusive” about the road through Willow Ridge. (The diagram on the second page of their proposal clearly highlights a north/south route from 300 South through the Willows and Willow Ridge to Willow Road.) For many people, it is the easy and convenient way to drive. If it is closed to The Willows, this will seriously disrupt that traffic pattern. Especially two times a day – the early morning rush hour and afternoon school dismissal, when traffic at the north entrances and to the traffic light at US 421 is significantly backed up. If the gates are erected, traffic that normally exits this area to the south, through Willow Ridge, will be forced to use the north entrance. What is already a dangerous situation will become more so. We have witnessed many close calls as people become impatient and pull out into traffic.

Although not spelled out in any of their submissions, we understand that eventually all traffic, including bicycles, will not be permitted to use the road through Willow Ridge. If this is the case, there will be no easy, safe way to access bike paths and sidewalks into Zionsville. The only available route would be 300 South – where there is no bike path or sidewalk.

We think this is a bad idea, with many downsides and few upsides for ALL the residents in this area, and urge you not to support this proposal.

Thank you.

Mark and Jayne Owens

The Willows, South Lake

11580 Weeping Willow Drive